



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/725,037 Confirmation No. : 4720
Applicant : Mark ZOLLER, et al.
Filed : December 2, 2003
TC/A.U. : 1647
Examiner :
Docket No. : 100337.54074D4
Customer No. : 23911
Title : Isolated (T1R2/T1R3) Sweet Taste Receptors that Respond to
Sweet Taste Stimuli

Petition

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated August 10, 2004, applicants contends that Figure 10B described in the specification was deposited with the Patent and Trademark Office on December 3, 2003.

Fifteen sheets of drawing were acknowledged by the Patent and Trademark Office, as evidenced by the attached filing receipt. These 15 sheets of drawings included Figures 1-16B, and more particularly included a page labeled as Figure 10. Applicants respectfully advise that the Figure 10, submitted and received by the Patent Office with this application was in fact complete. More specifically, Figure 10 as-filed with this application contains 12 panels which are identified at paragraph 0263 of this application as panels 10A through 10L. Each of these panels are clearly identified and described at paragraph 0263 of the as-filed specification. Therefore, the reference to Figure 10B at page 10, paragraph 0047, in the Brief Description of the Figures in actuality was intended to refer to "Panel B"

on Figure 10, which includes 12 panels which should have been labeled as Panels A through L on the single page Figure 10 filed with this application.

In further response to the Notice of Missing Parts Notice Applicants also include with this petition is a Formal version of Figure 10 wherein the panel B legend (as well as Panels C through L) are more clearly labeled. The undersigned respectfully avers to the fact that this figure corresponds identically to Figure 10 originally submitted with this application, except for the fact that it is a more legible version wherein each of Panels A through L are explicitly identified. The submission of this Formal Figure 10 (which more clearly identifies Panels A through L) does not introduce any new matter into this application. (As noted above, the as-filed specification in fact expressly makes reference to each of these panels at paragraph 0263 of the as-filed specification.) The fact this Figure is merely a more legible version of the Figure 10 originally submitted and that it does not improperly introduce any new matter into the as-filed application is further substantiated by the fact that the as-filed application is a divisional of U.S. Serial Number 10/179,373, filed June 26, 2002, and which parent application is incorporated by reference in its entirety in this application. It can be seen upon inspection of this file, that the Formal Figure 10 provided herewith (which explicitly identifies each of Panels A through L), is identical to the Figure 10 provided with the parent application, incorporated by reference in its entirety in this application.

Since Figure 10b was in fact timely received by the Patent and Trademark Office, and since it merely corresponds to one of the twelve panels contained on the Figure 10 received by the Patent Office on filing of this application, it is requested that the attached Petition fee in the amount of \$130.00 be refunded to deposit account No. 05-1323 (Docket 100337.54074D9). It would be appreciated if the undersigned were telephoned in the event there are any questions related to this Petition or the application in general.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket #100337.54074D9). A duplicate copy of this letter is attached.

October 12, 2004

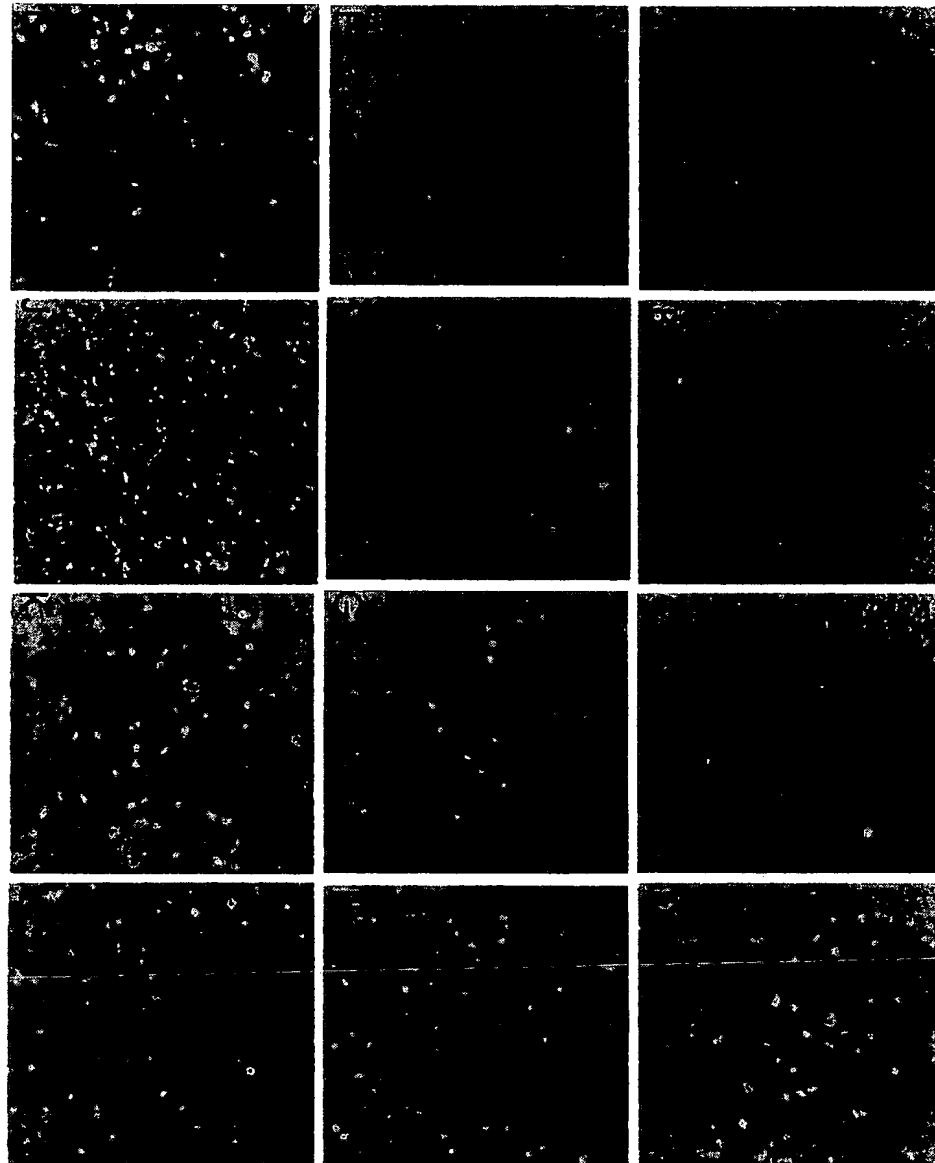
Respectfully submitted,

Samir Elamrani
Samir Elamrani Reg No
for Robin L. Teskin 43,601
Registration No. 35,030

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Fig. 10



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Paper No. 10

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OFFICE OF PETITIONS

In re Application of
Mark Zoller, Xiacdong Li, Lena Staszewski,
Shawn O'Connell, Sergey Zozulya, Jon Adler,
Hong Xu and Fernando Echeverri
Application No. 10/179,373
Filed: June 26, 2002
Attorney Docket Number: P 0291566
Title of Invention: T1R
HETERO-OLIGOMERIC TASTE RECEPTORS:
AND CELL LINES THAT EXPRESS SAID
RECEPTORS AND USE THEREOF FOR
IDENTIFICATION OF TASTE COMPOUNDS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

#54074 US

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 23, 2003.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Robin Teskin attest a copy of the application was sent to non-signing inventor's last known address and non-signing inventor's legal representative. Additional attempts to contact the non-signing inventors went unanswered. The non-signing inventor's failure to respond to the application sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions



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COMMISSIONER FOR PATENTS
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P.O. Box 1450
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AUG 1 5 2003

LETTER

OFFICE OF PETITIONS

Dear Dr. Adler:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Charlema R. Grant
Petitions Attorney
Office of Petitions

Robin Teskin
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cc: Marilyn Mika Spenser